

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF TEMPORARY CHANGE)

APPLICATION NUMBER t91-63-09)

MEMORANDUM DECISION

Temporary Change Application Number t91-63-09 was filed by Grant J. Anderton to change the point of diversion and place of use of 0.25 cfs or 156.6 acre-feet of water as evidenced by ownership of a portion of 63-3023, page 15, Sevier River Decree. The water has been diverted from the Sevier River at a point North 770 feet and West 1600 feet from the SE Corner of Section 28, T27S, R3W, SLB&M, and used for the irrigation for 52.20 acres of land.

Hereafter, 156.6 acre-feet of water is to be diverted from the Monroe South Bend Canal located at a point South 1750 feet and West 3500 feet from the NE Corner of Section 27, T25S, R4W, SLB&M, and used same as heretofore. All uses are within Section 29, T25S, R3W, SLB&M.

It is the opinion of the State Engineer that this change can be approved provided certain precautions are observed.

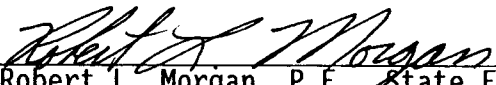
It is, therefore, ORDERED and Temporary Change Application Number t91-63-09 is hereby APPROVED subject to prior rights and the following conditions:

1. No more water shall be diverted under this temporary change application than the applicant is entitled to at the above described decreed point diversion and place of use.
2. This change shall be distributed under the direction of the Sevier River Commissioner. The applicant shall coordinate with the river commissioner the month in which this water will be used. The river commissioner will then determine the percent of primary water in the Sevier River. This percentage shall be used to compute the quantity of water available to move under this temporary change subtracted from the primary water available to determine the amount to be delivered to the Monroe South Bend Canal. Any additional costs associated with the distribution of this water shall be borne by the applicant.

This Decision is subject to the provisions of Rule R625-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

MEMORANDUM DECISION
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Dated this 26th day of July, 1991.


Robert L. Morgan, P.E., State Engineer

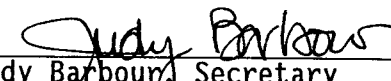
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Mailed a copy of the foregoing Memorandum Decision this 26th day of July, 1991,
to:

Grant J. Anderton
c/o James E. Payne
South Monroe, UT 84754

Lee Sim, Directing Distribution Engineer

Ray Owens
River Commissioner
2165 South Highway 89
Sevier, UT 84766

By: 
Judy Barbour, Secretary